

§ 416.1500

20 CFR Ch. III (4–1–11 Edition)

§ 416.1500 Introduction.

You may appoint someone to represent you in any of your dealings with us. This subpart explains, among other things—

- (a) Who may be your representative and what his or her qualifications must be;
- (b) How you appoint a representative;
- (c) The payment of fees to a representative;
- (d) Our rules that representatives must follow; and
- (e) What happens to a representative who breaks the rules.

§ 416.1503 Definitions.

As used in this subpart:

Entity means any business, firm, or other association, including but not limited to partnerships, corporations, for-profit organizations, and not-for-profit organizations.

Legal guardian or court-appointed representative means a court-appointed person, committee, or conservator who is responsible for taking care of and managing the property and rights of an individual who is considered incapable of managing his or her own affairs.

Past-due benefits means the total amount of payments under title XVI of the Act, the Supplemental Security Income (SSI) program, including any Federally administered State payments, that has accumulated to you and your spouse because of a favorable administrative or judicial determination or decision, up to but not including the month the determination or decision is made. For purposes of calculating fees for representation, we first determine the SSI past-due benefits before any applicable reduction for reimbursement to a State (or political subdivision) for interim assistance reimbursement, and before any applicable reduction under section 1127 of the Act (for receipt of benefits for the same period under title II). We then reduce that figure by the amount of any reduction of title II or title XVI benefits that was required by section 1127. We do this whether the actual offset, as provided under section 1127, reduced the title II or title XVI benefits. Past-due benefits do not include:

- (1) Continued benefits paid pursuant to § 416.996 of this part;

- (2) Continued benefits paid pursuant to § 416.1336(b) of this part; or

- (3) Interim benefits paid pursuant to section 1631(a)(8) of the Act.

Representative means an attorney who meets all of the requirements of § 416.1505(a), or a person other than an attorney who meets all of the requirements of § 416.1505(b), and whom you appoint to represent you in dealings with us.

We, our, or us refers to the Social Security Administration (SSA).

You or your refers to any person or the eligible spouse of any person claiming or receiving supplemental security income benefits.

[45 FR 52106, Aug. 5, 1980, as amended at 62 FR 38455, July 18, 1997; 72 FR 16725, Apr. 5, 2007; 74 FR 48384, Sept. 23, 2009]

§ 416.1505 Who may be your representative.

(a) *Attorney.* You may appoint as your representative in dealings with us any attorney in good standing who—

- (1) Has the right to practice law before a court of a State, Territory, District, or island possession of the United States, or before the Supreme Court or a lower Federal court of the United States;

- (2) Is not disqualified or suspended from acting as a representative in dealings with us; and

- (3) Is not prohibited by any law from acting as a representative.

(b) *Person other than attorney.* You may appoint any person who is not an attorney to be your representative in dealings with us if he or she—

- (1) Is generally known to have a good character and reputation;

- (2) Is capable of giving valuable help to you in connection with your claim;

- (3) Is not disqualified or suspended from acting as a representative in dealings with us; and

- (4) Is not prohibited by any law from acting as a representative.

§ 416.1506 Notification of options for obtaining attorney representation.

If you are not represented by an attorney and we make a determination or decision that is subject to the administrative review process provided under subpart N of this part and it does not grant all of the benefits or other